

MESSAGE NO: 6343305 MESSAGE DATE: 12/08/2016

MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE 6323304  
MESSAGE #  
(s):

CASE #(s): C-570-968

EFFECTIVE DATE: 03/11/2016 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 09/07/2010 TO 03/13/2016

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Out-of-scope preliminary determination – countervailing duty order on aluminum extrusions from the People's Republic of China (C-570-968)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 7 below.

1. Commerce received a scope ruling request from Kota International, LTD ("Kota"). Commerce issued a preliminary scope determination on 03/14/2016 that the aluminum extrusion products made from ACS-50 aluminum alloy material which Kota imports are not within the scope of the countervailing duty order on aluminum extrusions from the People's Republic of China ("PRC") (C-570-968).

2. Commerce preliminarily determined that Kota's ACS-50 series products, aluminum extrusions made from 5050 aluminum alloy material composed of 1.4 percent magnesium by weight, are outside of the scope of the order because they satisfy the scope exclusion for Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight.

3. However, on 11/14/2016, Commerce published in the Federal Register its preliminary affirmative determination of circumvention of the countervailing duty order on aluminum extrusions from the PRC, in a concurrent anti-circumvention proceeding (81 FR 79444). Specifically, Commerce preliminarily determined that heat-treated extruded aluminum products that meet the chemical specifications for 5050-grade aluminum alloy, regardless of producer, exporter, or importer, constitute later-developed merchandise, and are circumventing the countervailing order on aluminum extrusions from the PRC.

Kota's ACS-50 series products, which are the subject of this scope ruling, fit the description of products subject to the preliminary affirmative determination of circumvention.

4. Accordingly, pursuant to Commerce's preliminary out-of-scope determination, in accordance with 19 CFR 351.225(l)(2), and the subsequent preliminary affirmative determination of circumvention on the same product, CBP shall terminate suspension and liquidate all unliquidated

entries entered, or withdrawn from of Kota's ACS-50 series products described in paragraph 2 that were entered, or withdrawn from warehouse, for consumption on or after 09/07/2010 (the first date of suspension of liquidation in this antidumping duty proceeding) through 03/13/2016, the day prior to the initiation of the anti-circumvention proceeding covering this same product.

5. For entries of Kota's ACS-50 series products described in paragraph 2 that were entered, or withdrawn from warehouse, for consumption on or after 03/14/2016, CBP shall suspend liquidation and collect cash deposits of estimated countervailing duties for merchandise subject to the countervailing duty order at the current rates in accordance with message 6323304, dated 11/18/2016.

6. Refund any cash deposits and release any bonds relating to unliquidated entries of Kota's ACS-50 series products that were entered, or withdrawn from warehouse, for consumption on or after 09/07/2010 through 03/13/2016, as described in paragraph 4, above.

7. These instructions constitute notice of the lifting of suspension of the merchandise covered by paragraph 4.

8. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

9. Unless instructed otherwise, for all other shipments of aluminum extrusions from the PRC not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.

10. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OIII: MKM).

11. There are no restrictions on the release of this information.

Alexander Amdur

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party